IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 16988 of 1994

Between:

P. Rami Reddy S/o. Ram Reddy
r/o. Kushaiguda (V), Rangareddy District.

..... PETITIONER

AND

1 State of Andhra Pradesh rep. by its Secretary Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Rangareddy District at Lakdikapool, Hyderabad.
3 The Mandal Revenue Officer, Keesara Mandal at Keesara, Rangareddy District.
4 The Revenue Divisional Officer, Rangareddy District East Division, at Goshamahal, Hyderabad.
5 The District Development Officer, Hyderabad Rangareddy District at Hyderabad.
6 The Mandal Development Officer, Keesara Mandal at Keesara, Rangareddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ or writs, order or direction, declaring the order dt 18 05 1994 passed in Proc.No. D5/2206/93 on the file of the second respondent, as illegal, arbitrary, unconstitutional, without jurisdiction, award costs; and pass such other orders.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.1 to 6: GP FOR REVENUE

The Court made the following Order:

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

WRIT PETITION NO.16988 OF 1994

ORDER:

This Writ Petition has been filed seeking a direction to declare the orders of the second respondent in Proceedings no.D5/2206/93 dated 18.5.1994 as illegal, arbitrary, unconstitutional and without jurisdiction.

The case of the petitioner is that his ancestors were the owners and possessors of the land in survey no.353/1 admeasuring 3 acres situate at Kapra Village, Ranga Reddy District. Later, he succeeded to the said property and is cultivating the same without any hindrance. While the matters stood thus, the third respondent filed OP before the District Tribunal, AP Land grabbing (Prohibition) Act, 1982 cum District Judge, Ragna Reddy and it was dismissed for default. Again, the said OP was restored in 1993 on an application filed by the third respondent. It is also stated that the petitioner also filed OS No.116 of 1994 before the Junior Civil Judge's Court, East and West, Ranga Reddy District at Saroornagar and it is pending.

The case of the petitioner is that when the above proceedings are pending before the competent courts, the second respondent issued proceedings in No.D5/2206/93 dated 18.5.1994 directing the third respondent to hand over the possession of the land in question to the fifth respondent for construction of

school building. Pursuant to the said orders and when the third respondent is taking steps to dispossess the petitioner from the land in question, he filed the present writ petition.

Heard both sides.

The main contention urged by the learned counsel for the petitioner is that the petitioner is the owner of the land and he also filed OS before the competent civil court and the third respondent also filed OP before the Tribunal to declare the petitioner as land grabber and hence the issuance of the impugned proceedings while the above matters are pending, it is illegal and contrary to law and hence the same may be quashed as such.

Whether the petitioner is the owner of the land in question or not cannot be decided by adducing evidence by this Court sitting under Art.226 of the Constitution of India and hence this Writ Petition is liable to be dismissed and it is accordingly dismissed. No costs.

8.7.2004

Mhn

To

1 **The Secretary,State of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.**
2 **The District Collector, Rangareddy District at Lakdikapool, Hyderabad.**
3 **The Mandal Revenue Officer, Keesara Mandal at Keesara, Rangareddy District.**
4 **The Revenue Divisional Officer, Rangareddy District East Division, at Goshamahal, Hyderabad.**
5 **The District Development Officer, Hyderabad Rangareddy District at Hyderabad.**
6 **The Mandal Development Officer, Keesara Mandal at Keesara, Rangareddy District.**

7. Two CCs GP for Revenue, High Court of A.P., High Court Buildings, Hyderabad.

8. Two CD copies.